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MEMORANDUM



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AZ CORP COMMISSION  
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TO: Docket Control  
Arizona Corporation Commission

FROM: Deborah R. Scott  
Director  
Utilities Division

DATE: July 20, 2001

RE: **COMPLIANCE TO DECISION NO. 63625** – REQUEST FOR  
EXTENSION OF TIME. (DOCKET NO. T-03142A-96-0201)

On June 27, 2001, Business Discount Plan, Inc. ("BDP") submitted correspondence requesting an extension of time to comply with one condition in the decision granting TCI authority to provider resold interexchange telecommunications services (Decision No. 63625). BDP's CC&N was conditioned on the Company filing conforming tariffs within 30 days of the effective date of the Commission's Decision. BDP did not comply and its certificate was void without further order of the Commission. Therefore, BDP requires additional time to comply with the Decision. Staff has no objections to this request.

Originator: Anthony Gatto

Enc.

Arizona Corporation Commission

**DOCKETED**

JUL 23 2001

DOCKETED BY	
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ARIZONA CORPORATION COMMISSION  
UTILITIES DIVISION  
1200 W. WASHINGTON STREET  
PHOENIX, AZ 85007

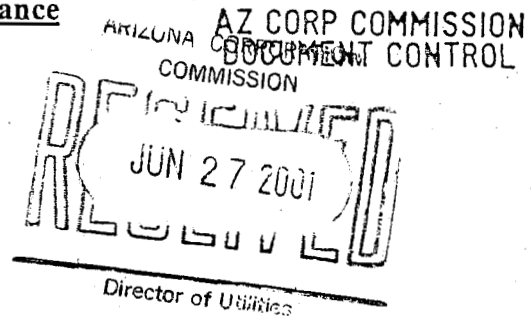
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Letter of Non-Compliance

June 27, 2001

T. David Jenkins  
Business Discount Plan, Inc.  
3780 Kilroy Airport Way, Suite 200  
Long Beach, California 90806



RE: DOCKET NO. T-03142A-96-0201 DECISION NO. 63625

Dear Mr. Jenkins:

This notice will inform you that Business Discount Plan, Inc. has not met certain compliance requirements ordered by the Commission in the above-referenced Decision. In that Decision, the Commission conditioned approval of the application on Business Discount Plan, Inc. filing certain documents with the Commission within a specific time period as described on the attached Compliance Delinquencies Report.

As a result of this non-compliance, the Certificate of Convenience and Necessity did not issue to Business Discount Plan, Inc. and is void. If Business Discount Plan, Inc. intends to provide service in the future within Arizona, it must either file a new application for a certificate of convenience and necessity or obtain an extension of time to comply from the Commission. If you are requesting an extension of time to comply, your request must be received by the Commission no later than thirty (30) days from the date of this notice. Your request should set forth the reasons why you did not comply with the Commission's Decision and why you should be granted an extension. The Commission will consider your request and issue an Order either granting or denying your request for extension. Address your request for an extension of time to comply to: Docket Control, Arizona Corporation Commission, 1200 West Washington Street, Phoenix, Arizona 85007. Reference in your request the Docket Number and Decision Number for this matter.

If you believe this to be in error, or, if I can answer any questions, please contact me at 602-542-0818.

Sincerely,

Patrick C. Williams  
Manager, Compliance and Enforcement  
Utilities Division

cc: Docket Control, with eleven copies

# Compliance Delinquencies Report

Report Date: June 27, 2001

COMPANY: Business Discount Plan, Inc.

DOCKET NO. T-03142A-96-0201

DECISION NO. 63625

DECISION DATE: 05/04/2001

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COMPLIANCE ACTION: Within 30 days of the effective date of the Commission's Decision, notify the Compliance Section of the Utilities Division of the date the Company will begin or has begun providing service to Arizona customers.

COMPLIANCE DUE DATE: 06/04/2001

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COMPLIANCE ACTION: Certificate is conditioned on Company filing conforming tariffs within 30 days of the effective date of the Commission's Decision in accordance with the provisions of the Decision.

COMPLIANCE DUE DATE: 06/04/2001

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gatto

**LOTTNER RUBIN FISHMAN BROWN & SAUL, P.C.**

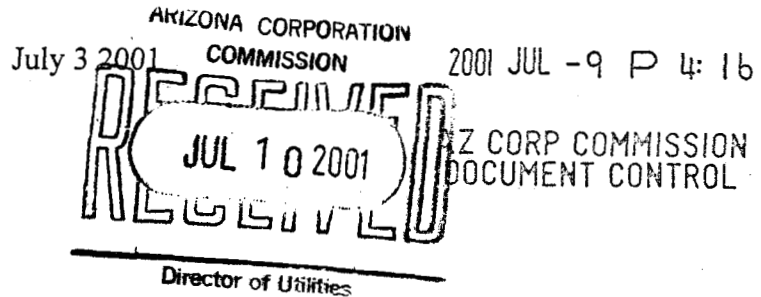
Michael L. Glaser  
303 / 383-7610  
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*Attorneys at Law*

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VIA REGULAR MAIL

Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, AZ 85007-2996



Re: ***Business Discount Plan, Inc.***  
***Docket No. T-03142A-96-0201; Decision NO. 63625***

Gentlemen:

This letter is submitted on behalf of Business Discount Plan, Inc. ("BDP"), and is in reference to your letter of June 27, 2001, concerning the above-referenced docket.

On May 23, 2001, BDP filed with the Arizona Corporation Commission an interim report on the status of Notice of Apparent Liability issued by the Federal Communications Commission ("FCC") and notification of date in which BDP will begin or has begun providing service to Arizona customers in compliance with the above-referenced Commission Decision. In this filing, BDP showed that it had begun providing resale long distance service in Arizona in 1995, pursuant to the then existing Commission requirements applicable to resellers of long distance service. BDP also advised the Commission that BDP had continued to provide resold intrastate telecommunications services to Arizona customers since it first began offering resold long distance service in 1995, and since the filing of its application for a Certificate of Public Convenience and Necessity in 1996. BDP also has a tariff on file which became effective and prior to the effective date of the above-referenced Commission Decision, with the Commission covering such service.

The Commission's letter of June 27, 2001, indicates that BDP has not complied with the Commission's Decision referenced above, and that BDP Certificate of Convenience and Necessity did not issue and is void. The Commission's letter further states that if BDP intended to provide service in the future in Arizona, it must either file a new application for Certificate of Public Convenience and Necessity or obtain an extension of time to comply from the Commission.

The undersigned has been in contact with the Commission's staff on this matter. The Staff has advised that BDP is required to refile its existing tariff with a new effective date, and a filing containing the calculation of its Fair Value Rate Base. Accordingly, BDP requests an extension of time to comply with the Commission's Decision in these respects. The reason the additional time needed is that BDP did not understand from the Commission's Decision the Commission's requirement for the refiling of BDP's existing tariff, and the filing of the

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computation of the Fair Value Rate Base. BDP was previously advised by the Commission's staff that filing a Fair Value Rate Base was under litigation in the Arizona courts, and that BDP would not have to file such information unless the court mandated such requirements, and then within 30 days of the court's decision.

Nonetheless, BDP will refile its tariff with the Commission with a new effective date, and compute its Fair Value Rate Base determined from BDP's out-of-state assets prorated for use in Arizona. BDP requests an extension until July 31, 2001 to make such a filing.

BDP will appreciate your prompt response to this request for extension.

Very truly yours,

LOTTNER RUBIN FISHMAN BROWN & SAUL, P.C.

  
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Michael L. Glaser

MLG/kc

Enclosures

cc: Docket Control  
Patrick C. Williams, Manager  
Compliance and Enforcement  
Utilities Division  
Arizona Corporation Commission